

COMMISSIONERS PROCEEDINGS  
JANUARY 27, 2004  
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stanton, Pridemore, and Morris, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

BID AWARD 2353

Reconvened a public hearing for Bid Award 2353 – NE 149<sup>th</sup> Street – Public Works Rock Storage Facility. Mike Westerman, General Services, read a memo from General Services requesting that Bid 2353 be awarded to the low bidder. There being no public comment, **MOVED** by Stanton to award Bid 2353 to Tapani Underground of Battle Ground, WA, in the total bid amount of \$362,399.50 and grant authority to the County Administrator to sign all bid related contracts. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 72)

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Pridemore to approve items 1 through 19. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 72)

PUBLIC HEARING: COMPREHENSIVE PLAN EMERGENCY ORDINANCE 2003-12-20

Held a public hearing to consider affirming emergency ordinance 2003-12-20 which generally prohibits rural subdivisions.

Pat Lee, Long Range Planning Manager, Community Development Department, presented the staff report. He said that on December 16, 2004 during the deliberations on the Comprehensive Plan the board chose to extend the Comprehensive Plan process in order for staff to complete a more detailed capital facilities analysis and the emergency ordinance limiting subdivisions of land outside of the existing growth boundaries was adopted on an emergency basis. State law requires a hearing on the ordinance within sixty days of that adoption. Lee said there are three issues that the board should consider in reviewing the emergency ordinance after the public testimony:

1. The geographic extent of the coverage of the moratorium. Lee said there were three exhibits and three large display maps. Map 1 indicates the current extent of the moratorium coverage. Map 2 is a composite of all of the alternatives, 1 through 5, plus what the board directed in July,

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plus Planning Commission recommendations, plus what the board drew last week, and the composite of all those potential urban growth boundaries expansion areas are identified. The third map includes areas that the board identified as potential urban growth boundary expansion areas in the January 14<sup>th</sup> work session and also includes existing and proposed urban reserves. Lee said staff has no specific recommendation and thinks reducing the extent of the coverage would make sense at this time.

2. Direct staff to proceed with the work program. The staff report identifies the summary of the capital facilities development plan steps that staff is pursuing – including preparing estimates of future households, retail, and other employment at the transportation analysis zone level based on the January 14<sup>th</sup> plan, estimating capital facilities demand, and the general location of the future facilities that may be needed to serve that, assess the funding capacities of service providers to meet the demand, and prepare a financially constrained 6-year plan of capital facilities projects to support that land use plan. The table attached to the staff report provides a more detailed status by jurisdiction and by facility of where that capital facility's work currently stands.

3. Relative to the duration of the moratorium. Staff recommended the ordinance be effective until December 1, 2004 which is the deadline in the GMA that the update is required to be complete or the board could choose to end it sooner if work is complete. Staff recommended that the board adopt the emergency ordinance, give staff direction on the geographic coverage of the ordinance and if it varies from one of the three maps it may take a few days to finalize to prepare for recording.

Commissioner Morris asked if it would make a substantive difference if the board was to amend the end date to either December 31, 2004 or upon adoption of final comprehensive plan.

Lee recommended "or whichever is sooner". It would not make a substantive difference, but certainly could be done.

Commissioner Pridemore said he was the one that originally proposed the moratorium and thought it was a necessary and appropriate action at the time. The difficulty was there was not an opportunity to do an analysis of what is necessary to protect the public interest, and so at the time the only immediate thing that could be done was this very large moratorium area. He said map 3 is more realistic and appropriately protects the public interest.

Commissioner Stanton agreed with Pridemore. She asked Lee if a 20-year project list was included.

Lee said for certain facilities it would, probably not for all facilities although there will be some analysis of what the 20-year outlook may be.

Mat Lewis, Building Industry Association (BIA), 5007 NE St. Johns Road, Vancouver, Washington, commended Evan Dust for getting information to him. The BIA is a strong proponent of individual property rights and is the core foundation of all of their advocacy efforts.

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The moratorium does not seek to prevent an imminent public health or safety problem, such as lack of sewer or water capacity, but rather a planning moratorium which seeks to freeze the development capability of certain individuals' property while the comprehensive planning process chugs on, so the BIA is opposed to any of the moratoriums. Lewis said of the three alternatives, they would support the more constrained moratorium just in the expansion areas to limit the impact on those individual property owners who will essentially have economic use of their property taken from them for a short duration. He referred to the language justification in the staff report and didn't think the argument was persuasive considering the length of the comprehensive planning process and not much certainty for the landowners and in fact the applications they did turn in were conforming with the current zoning and comprehensive plan designations, and are using their property under the full extent allowable by current law.

Pridemore said he agreed that no one did anything wrong or illegal or unethical in the whole process – it was simply a matter of need to protect the public. He said he did not intend to imply that someone had done something wrong.

Bruce Neil, Neil Real Estate Services, said he assists people in processing plats and developments and often works with rural owners in small short plats. He said he has three applicants that have submitted short plats that are in the moratorium area. He supports Map 3. He said for these people to not be able to proceed with platting their 18 acres into 3-5 acre tracts would be a severe hardship. He said if that particular property is within that boundary he would request that it be looked at again. The pre-apps were held in the spring, and there was nothing that they were trying to circumvent.

Howard Goff said he owns property at the south end of the Meadow Glade area that is included in all three of the proposed moratorium status. In early November the Planning Department told him there were no proposed changes in that area. Any one of the three maps would take his ability to divide and build for a year or more. Goff said Hazel Dell Sewer has only three connections, if not a statutory moratorium that land will not be dividable until sewer is extended. His intent was to purchase the 3-acre parcel, build a house this year, and at the same time divide it into three parcels -- Rural Center, RC-1. He said the moratorium has put a hardship on them and others.

Morris referred Mr. Goff to Rich Carson, Director of Community Development.

Jessica Hoffman, representing the Clark County Association of Realtors, 1514 Broadway, Vancouver, WA, said they did not support the proposed moratorium because it imposes upon the rights of the rural landowners. If adopted, they would support the one that targets the designated lands that the board anticipates are changing as least harmful.

To the Board for deliberation.

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Pridemore said he understands how individual propertyowners could be impacted, will be impacted, by this decision and regrets the original moratorium area had to be drawn so large, however he still felt that it is in the public interest and need to preserve options and allow the process to go forward. It is a delay, but his hope was that this is a delay that is going to be closer to June timeframe than the December timeframe. He said he still supports the continuation of the moratorium with the proposed workplan in geographic areas represented by Map 3.

Stanton appreciated staff scheduling this hearing instead of waiting the full 60 days. She agreed with Map 3 and would like to change the proposed ordinance to incorporate the wording that the duration would be until December 1 or at the time the new Comp Plan Map is adopted.

Rich Lowry supplied language – “This moratorium shall expire on December 1, 2004 or upon adoption of the plan update, whichever occurs first.” He also noted that the proposed resolution attached to the staff report varies in a minor way from the one that is attached to the agenda – Section 2 Geographic Extent, where it identifies two exhibits rather than one. The two exhibits being the map and the assessor parcel numbers. The maps are not adequate for attachment to the resolution because they are not sufficiently parcel-specific. Once the board gives direction as to the geographic scope it will take a couple days to actually produce the two exhibits, both the arterial map level that are parcel-specific level maps and assessor’s numbers that go along with it. He recommended the effective date be left as it is and give authority to the Chair to sign it as soon as the exhibits are ready.

Morris said she was in a very difficult position. She did not support the moratorium at all and did not support it on December 16 either. If there has to be a moratorium she thought it ought to be as minimal as possible in it’s impact on landowners. She believed the landowners are the public as well and have some interests. She articulated her support for reducing the size of the impacted area to correspond with Map 3 rather than the entire geographic area. She said she would have to vote no on the motion when it arrives. She also believed that if we don’t have a moratorium there’s just another little thing pushing up to finish the comprehensive plan quickly and that is indeed reflecting the public interest. She will continue to vote no on the moratorium.

Pridemore said his hope was to get the Comp Plan as soon as possible. He was hesitant to put in the December date for fear that it would become the new deadline rather than as quickly as possible.

**MOVED** by Pridemore that the board approve Ordinance 2004-01-23 based on the geographic Map 3 as to be finalized by staff based on specific parcels and in including deadline of not to exceed December 1, 2004 or when the Comp Plan is adopted, whichever is sooner. Commissioners Pridemore and Stanton voted aye. Commissioner Morris voted nay. (See Tape 72)

PUBLIC HEARING: COMMUNITY DEVELOPMENT FEES

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***\*\*Hearing postponed to February 10, 2004 at 10:00 a.m., 6<sup>th</sup> Floor Hearing Room\*\****

To consider changes to the fee schedule for work performed by the Development Services, Engineering, Building, and Fire Marshal Divisions of the Community Development Department. The proposal will include fee increases, decreases, and new fees.

This hearing was not held.

MOVED by Pridemore to continue Public Hearing for Community Development Fees to February 10, 2004 at 10:00 a.m. Commissioners Morris, Stanton, and Pridemore voted aye. (See Tape 72)

DISCUSSION: WASHOUGAL MOTOCROSS & LIVINGSTON MT. QUARRY  
RESOLUTION

Rich Lowry said when the matter appears on the consent agenda the board will discuss reconsidering the appeals on the Washougal Motocross and Livingston Mountain Quarry cases. It may be on the agenda next week or the following week. There is some talk about attempting a mediation process between the parties in the Washougal Motocross in which case it may be in everyone's interest to put the resolution on hold while that works it course. When it is on consent there will be a memo from Lowry indicating that the board needs to decide whether or not to reconsider after having read Mr. Hirokawa's material, and if the board does, an advertised public meeting will be held.

Morris requested the Clerk of the Board to make a note to remind the board. (See Tape 72)

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*The Board of County Commissioners' adjourned and convened as the Board of Health.*

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

Stanton questioned the date on the staff report.

Bill Barron, County Administrator, responded. He thought perhaps this was late in coming from the agency. He had reviewed the item with the Health Department Director.

There being no public comment, **MOVED** by Board Member Stanton to approve item 1. Board Members Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 72)

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*Adjourned*

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*2 p.m. Bid Opening*

Present at the Bid Opening:

Mike Westerman, General Services, Allyson Anderson, General Services, and Louise Richards,  
Clerk of the Board

BID OPENING 2355

Held a public hearing for Bid Opening 2355 – Annual Salmon Creek Outfall Stabilization Project. Mike Westerman, General Services, opened and read bids. Westerman said it was their intention to award Bid 2355 on February 3, 2004, at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6<sup>th</sup> Floor. (See Tape 43)

BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris/s/  
Betty Sue Morris, Chair

Judie Stanton, Commissioner

Craig A. Pridemore/s/  
Craig A. Pridemore, Commissioner

ATTEST:

Clerk of the Board

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